

①

SPR 12 20 15

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
OFF STAGE PRODUCTIONS, INC., GIPSY KINGS,
INC. and NICHOLAS REYES, PAUL REYES,
FRANCOIS CANUTE REYES, ANDRE REYES,
MAURICE BALIARDO, JACQUES BALIARDO, and
TONINO BALIARDO professionally known as the
"GIPSY KINGS",

Plaintiffs,

- against -

PHILLIPE BOURGUES a/k/a MANOLO, JOSEPH
CORTES a/k/a LITO, LE JAZZ AUBAR, INC., ABC
Company d/b/a LE JAZZ AUBAR, CIAO INC., XYZ
Company d/b/a CIAO,

Defendants.
----- X

Civil Action No. 04 CV 06065
(JES)

STIPULATION

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/15/05

WHEREAS, certain defendants in this action having been incorrectly named, (i)

Le Jazz Aubar, Inc. and ABC Company d/b/a Le Jazz Aubar instead of Very, Ltd. d/b/a Le
Jazz Au Bar and (ii) Ciao Inc. and XYZ Company d/b/a Ciao instead of Ex Replay, Inc. d/b/a
Ciao.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
attorneys of record for plaintiffs Off Stage Production, Inc., Gipsy Kings, Inc., Nicholas
Reyes, Paul Reyes, Francois Canute Reyes, Andre Reyes, Maurice Baliardo, Jacques
Baliardo and Tonino Baliardo p/k/a the "Gipsy Kings" ("Plaintiffs") and for defendant Very,
Ltd. d/b/a Le Jazz Au Bar as follows:

1. That Very, Ltd. d/b/a Le Jazz Au Bar and Ex Replay, Inc. d/b/a Ciao be
substituted as defendants in this action so that the new amended caption shall appear as follows:

SM 1220, 5,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
OFF STAGE PRODUCTIONS, INC., GIPSY KINGS,
INC. and NICHOLAS REYES, PAUL REYES,
FRANCOIS CANUTE REYES, ANDRE REYES,
MAURICE BALIARDO, JACQUES BALIARDO, and
TONINO BALIARDO professionally known as the
"GIPSY KINGS",

Plaintiffs,

- against -

PHILLIPE BOURGUES a/k/a MANOLO, JOSEPH
CORTES a/k/a LITO, VERY, Ltd. d/b/a LE JAZZ AU
BAR, EX REPLAY, INC. d/b/a CIAO,

Defendants.
----- X

Civil Action No. 04 CV 06065
(JES)

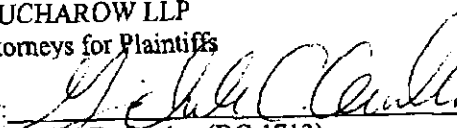
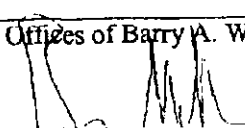
2. Defendant Very, Ltd. d/b/a Le Jazz Au Bar, the only defendant to date to appear in this action, consents to Plaintiffs filing an amended complaint (the "Amended Complaint") in the form annexed hereto as Exhibit A, in which Very Ltd. d/b/a Le Jazz Au Bar and Ex Replay, Inc. d/b/a Ciao are named as substitute defendants and allegations concerning the description of these defendants have been revised accordingly to reflect the substitution.

3. Counsel for Very Ltd. d/b/a Le Jazz Au Bar, Law Offices of Barry Wadler, agrees to accept service of the Amended Complaint on behalf of Very Ltd. d/b/a Le Jazz Au Bar.

4. Very Ltd. d/b/a Le Jazz Au Bar shall have until December ²³~~18~~, 2004 to answer with respect to the Amended Complaint.

5. It is agreed that this Stipulation may be executed by facsimile and in counterparts.

Dated: New York, New York
December 3, 2004

<p>GOODKIND LABATON RUDOFF & SUCHAROW LLP Attorneys for Plaintiffs</p> <p>By:  Brian D. Caplan (BC-1713) Michele C. Cerullo (MC-8481) 100 Park Avenue New York, New York 10017 (212) 907-0700</p>	<p>Law Offices of Barry A. Wadler.</p> <p> By: _____ Barry A. Wadler, Esq. (BW-5495)</p> <p>630 Third Avenue- 7th Floor New York, NY 10017-6705 (212) 687-5911</p>
--	--

SO ORDERED

2-8-05
USDJ 

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
OFF STAGE PRODUCTIONS, INC., GIPSY KINGS,
INC. and NICHOLAS REYES, PAUL REYES,
FRANCOIS CANUTE REYES, ANDRE REYES,
MAURICE BALIARDO, JACQUES BALIARDO, and
TONINO BALIARDO professionally known as the
"GIPSY KINGS",

Plaintiffs,

- against -

PHILLIPE BOURGUES a/k/a MANOLO, JOSEPH
CORTES a/k/a LITO, VERY, Ltd. d/b/a LE JAZZ AU
BAR, EX REPLAY, INC. d/b/a CIAO,

Defendants.
----- X

**AMENDED
COMPLAINT**

Plaintiffs OFF STAGE PRODUCTIONS, INC., Nicholas Reyes, Paul Reyes, Francois
Canute Reyes, Andre Reyes, Maurice Baliardo, Jacques Baliardo, and Tonino Baliardo for their
First Amended Complaint against the Defendants respectfully allege as follows:

1. Gipsy Kings, Inc. ("GKI") is a corporation organized and existing under the laws
of the State of Delaware with its principal place of business located at c/o Wlodinguer Erk &
Chanzis, 22 West 21st Street, 9th Floor, New York, New York 10010.

2. OFF STAGE PRODUCTIONS, INC. ("Off Stage") is a corporation organized
and existing under the laws of the State of Delaware, with its principal place of business located
c/o Wlodinguer Erk & Chanzis, 22 West 21st Street, 9th Floor, New York, New York 10010,
and is the owner of all right, title and interest in the United States in and to the name and mark
"Gipsy Kings."

3. NICHOLAS REYES, PAUL REYES, FRANCOIS CANUTE REYES, ANDRE REYES, MAURICE BALIARDO, JACQUES BALIARDO, PATCHAI and TONINO BALIARDO (collectively referred to as the "Gipsy Kings Members") are residents and citizens of France and comprise the music performing group professionally known as the Gipsy Kings.

4. Upon information and belief, Defendant PHILLIPS BOURGUES who uses the stage name Manolo ("Manolo"), has submitted himself to the jurisdiction of the Courts of the State of New York by committing a tortious act within the State of New York as is more fully set forth below and upon information and belief is doing business as Manolito, with an address at 2895 Biscayne Blvd., suite 500, Miami, Fla., 33137.

5. Upon information and belief, Defendant JOSEPH CORTES, who uses the stage name Lito ("Lito"), has submitted himself to the jurisdiction of the Courts of the State of New York by committing a tortious act within the State of New York as is more fully set forth below and upon information and belief is doing business as Manolito, with an address at 2895 Biscayne Blvd., suite 500, Miami, Fla., 33137. Manolo and Lito are collectively referred to herein as the "Fake Gypsy Defendants."

6. Upon information and belief, Defendant Very, Ltd. is a New York corporation with its principal place of business located at 41 East 58th Street, New York, New York, 10022 and does business as Le Jazz Au Bar and regularly does business and transacts business in the County and State of New York ("Au Bar").

7. Upon information and belief Ex Replay Inc. is a New York corporation with its principal place of business located at 150 Spring Street, New York, New York 10012 and is doing business as Ciao and regularly does business and transacts business in the county and state of New York ("Ciao").

8. Manolo, Lito, Au Bar and Ciao are hereinafter collectively referred to as

"Defendants."

JURISDICTION AND VENUE

1. This action arises under the Lanham Trademark Act (15 U.S.C. § 1101 et seq.),

the conduct of Defendants

infringement of trademark and servicemark; false and deceptive trade practices,